

AMENDMENT TO H.R. 4205, AS REPORTED
OFFERED BY MR. UDALL OF COLORADO

At the end of title XXXI (page 467, after line 11),
insert the following new section:

1 **SEC. ____.** **EMPLOYEE INCENTIVES FOR EMPLOYEES AT**
2 **CLOSURE PROJECT FACILITIES.**

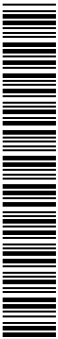
3 (a) **AUTHORITY TO PROVIDE INCENTIVES.**—Notwith-
4 standing any other provision of law, the Secretary of En-
5 ergy may provide to any eligible employee of the Depart-
6 ment of Energy one or more of the incentives described
7 in subsection (d).

8 (b) **ELIGIBLE EMPLOYEES.**—An individual is an eli-
9 gible employee of the Department of Energy for purposes
10 of this section if the individual—

11 (1) has worked continuously at a closure facility
12 for at least two years;

13 (2) is an employee (as that term is defined in
14 section 2105(a) of title 5, United States Code);

15 (3) has a fully satisfactory or equivalent per-
16 formance rating during the most recent performance
17 period and is not subject to an adverse notice re-
18 garding conduct; and



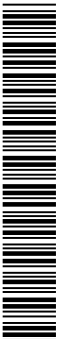
1 (4) meets any other requirement or condition
2 under subsection (d) for the incentive which is pro-
3 vided the employee under this section.

4 (c) CLOSURE FACILITY DEFINED.—For purposes of
5 this section, the term “closure facility” means a Depart-
6 ment of Energy facility at which the Secretary is carrying
7 out a closure project selected under section 3143 of the
8 National Defense Authorization Act for Fiscal Year 1997
9 (42 U.S.C. 7274n).

10 (d) INCENTIVES.—The incentives that the Secretary
11 may provide under this section are the following:

12 (1) The right to accumulate annual leave pro-
13 vided by section 6303 of title 5, United States Code,
14 for use in succeeding years until it totals not more
15 than 90 days, or not more than 720 hours based on
16 a standard work week, at the beginning of the first
17 full biweekly pay period, or corresponding period for
18 an employee who is not paid on the basis of biweekly
19 pay periods, occurring in a year, except that—

20 (A) any annual leave that remains unused
21 when an employee transfers to a position in a
22 department or agency of the Federal Govern-
23 ment shall be liquidated upon the transfer by
24 payment to the employee of a lump sum for



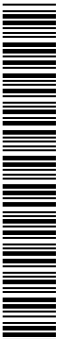
1 leave in excess of 30 days, or in excess of 240
2 hours based on a standard work week; and

3 (B) upon separation from service, annual
4 leave accumulated under this paragraph shall
5 be treated as any other accumulated annual
6 leave is treated.

7 (2) The right to be paid a retention allowance
8 in a lump sum in compliance with paragraphs (1)
9 and (2) of section 5754(b) of title 5, United States
10 Code, if the employee meets the requirements of sec-
11 tion 5754(a) of that title, except that the retention
12 allowance may exceed 25 percent, but may not be
13 more than 30 percent, of the employee's rate of
14 basic pay.

15 (e) AGREEMENT.—An eligible employee of the De-
16 partment of Energy provided an incentive under this sec-
17 tion shall enter into an agreement with the Secretary to
18 remain employed at the closure facility at which the em-
19 ployee is employed as of the date of the agreement until
20 a specific date or for a specific period of time.

21 (f) VIOLATION OF AGREEMENT.—(1) Except as pro-
22 vided under paragraph (3), an eligible employee of the De-
23 partment of Energy who violates an agreement under sub-
24 section (e), or is dismissed for cause, shall forfeit eligibility



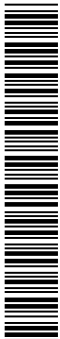
1 for any incentives under this section as of the date of the
2 violation or dismissal, as the case may be.

3 (2) Except as provided under paragraph (3), an eligi-
4 ble employee of the Department of Energy who is paid
5 a retention allowance under subsection (d)(2) and who vio-
6 lates an agreement under subsection (e), or is dismissed
7 for cause, before the end of the period or date of employ-
8 ment agreed upon under such agreement shall refund to
9 the United States an amount that bears the same ratio
10 to the aggregate amount so paid to or received by the em-
11 ployee as the unserved part of such employment bears to
12 the total period of employment agreed upon under such
13 agreement.

14 (3) The Secretary may waive the applicability of
15 paragraph (1) or (2) to an employee otherwise covered by
16 such paragraph if the Secretary determines that there is
17 good and sufficient reason for the waiver.

18 (g) REPORT.—The Secretary shall include in each re-
19 port on a closure project under section 3143(h) of the Na-
20 tional Defense Authorization Act for Fiscal Year 1997 a
21 report on the incentives, if any, provided under this section
22 with respect to the project for the period covered by such
23 report.

24 (h) AUTHORITY WITH RESPECT TO HEALTH COV-
25 ERAGE.—Section 8905a(d)(5)(A) of title 5, United States

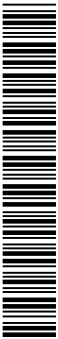


1 Code (as added by section 1106 of the Veterans Millen-
2 nium Health Care and Benefits Act (Public Law 106–117;
3 113 Stat. 1598)), is amended by inserting after “readjust-
4 ment” the following: “, or a voluntary or involuntary sepa-
5 ration from a Department of Energy position at a Depart-
6 ment of Energy facility at which the Secretary is carrying
7 out a closure project selected under section 3143 of the
8 National Defense Authorization Act for Fiscal Year 1997
9 (42 U.S.C. 7274n)”.

10 (i) AUTHORITY WITH RESPECT TO VOLUNTARY SEP-
11 ARATIONS.—(1) The Secretary of Energy may—

12 (A) separate from service any employee at a
13 Department of Energy facility at which the Sec-
14 retary is carrying out a closure project selected
15 under section 3143 of the National Defense Author-
16 ization Act for Fiscal Year 1997 (42 U.S.C. 7274n)
17 who volunteers to be separated under this subpara-
18 graph even though the employee is not otherwise
19 subject to separation due to a reduction in force;
20 and

21 (B) for each employee voluntarily separated
22 under subparagraph (A), retain an employee in a
23 similar position who would otherwise be separated
24 due to a reduction in force.



1 (2) The separation of an employee under paragraph
2 (1)(A) shall be treated as an involuntary separation due
3 to a reduction in force.

4 (3) An employee with critical knowledge and skills (as
5 defined by the Secretary) may not participate in a vol-
6 untary separation under paragraph (1)(A) if the Secretary
7 determines that such participation would impair the per-
8 formance of the mission of the Department of Energy.

